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Live-in Domestic Workers:
Overworked, Underpaid and Overlooked

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Live-in Domestic Workers:
Overworked, Underpaid and Overlooked

by

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Report

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Master of Arts

The University of Texas at Austin

May 2018

Dedication

I dedicate the report to all housekeepers, nannies, and home healthcare workers in the world, but particularly to the live-in domestic workers in Texas.

Acknowledgements

Thank you, Dr. Robert Jensen, for not only being my first reader for the report, but also a mentor. Thank you, Dr. Maggie Rivas-Rodriguez, for not only being my second reader, but a role model.

Thank you, Dr. Maritza Stanchich, for telling me to never undersell my accomplishments. I would not be graduating from the University of Texas at Austin without your support.

Thank you, Nathaly S. Batista Morales, my wife, for believing in me even when I do not believe in myself. Thank you, Edgar F. Rodríguez Vazquez and Norma I. Ortiz Figueroa, my parents, for guiding me on a righteous path.

Thank you, *abuelos* and *abuelas*, alive and departed, for being my friends when I had none. This is for you, abuelo. *De los cobardes no se ha escrito nada*.

Abstract

Live-in Domestic Workers: Overworked, Underpaid and Overlooked

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The University of Texas at Austin, 2018

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Live-in domestics are the housekeepers, nannies and home health care workers that live with the families they work for five to seven nights a week. Like other domestics, the live-in domestics interviewed for this report suffered restriction of movement, isolation, inadequate nutrition, physical violence, wage theft and excessive overtime, all in Texas. Moreover, live-ins are more reluctant than other domestics to exercise their rights because they may automatically find themselves homeless.

Nobody knows exactly how many live-in domestic workers are in the U.S. because of the secluded nature of their work, but experts and advocates agree that many live-in domestic workers are victims of human trafficking. There are more than 300,000 victims of human trafficking in Texas, nearly 234,000 of those were adult victims of labor trafficking, according to reports. The same reports found that traffickers exploit approximately $600 million per year from victims of labor trafficking in Texas only.

Since 2012, domestic work has represented the largest sector of all labor trafficking cases reported to the National Human Trafficking Hotline. Texas is the second

state with the most cases of human trafficking reported to the Hotline, second only to California. Like other states, these reported cases are growing every year.

Reports also show that 85 percent of domestic worker trafficking survivors said having pay withheld or being paid well below minimum wage; 81 percent have lived in abusive living conditions; and 80 percent have been tricked with false or otherwise deceptive contracts.

Through the lives of four present and former live-in domestic workers, these numbers come to life and live-in domestic workers stay in the shadows no more.

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Live-in Domestic Workers: Overworked, Underpaid and Overlooked[1]

When a wealthy family brought Fernanda Sandoval to their mansion-like home in San Antonio, she knew she was going to work hard: cooking, cleaning, and washing and ironing clothes. But Sandoval had no idea that for almost two years she would live and work in her employer's house from early in the morning to late at night, often without breaks, for less than $2 per hour.

If Sandoval's employers did not make her work Sunday morning, she had to ask for their permission to go out. They would not allow her to talk to neighbors or anybody else, using the threat of deportation as a scare tactic; they kept Sandoval's Mexican passport and U.S. visa under lock and key. "She had me practically locked up," Sandoval, 60, said about her employer.

As January was coming to an end, Sandoval decided enough was enough. She could not just quit, but rather had to escape without being noticed by her employers, a couple with ties to Mexico. When a taxi came to pick up Sandoval, she noticed two black cars were following. She was nervous, and her hands were sweating; the black cars were not part of the plan. As she was heading out the door to ask the taxi driver to wait for her, several federal agents got out of the black cars and moved swiftly in her direction. Not sure who they were, Sandoval started running but one agent grabbed her and ordered her to get in the taxi.

The night before, a San Antonio sisterhood of domestic workers had received several text messages saying there was a housemaid in trouble in the northern outskirts of the city. Araceli Herrera, founder of Domésticas Unidas, wanted to speak to Sandoval,

[1] EDITOR'S NOTE: The domestic workers reported in this story asked for anonymity to protect themselves from employers as well as immigration authorities; therefore, pseudonyms were used instead of their real names except for Araceli Herrera, founder of Domésticas Unidas.

but that was impossible. After Sandoval had gone to Mexico to renew her visa, the family she was working for ordered her not to bring a cellphone. She had to keep it turned off as much as possible to avoid alerting her employers. “She can’t call you,” said one of the text messages Herrera received. “She texts because she has to hide her phone.”

Herrera contacted an Immigration and Customs Enforcement agent who does human trafficking workshops. They both agreed to meet outside the gated community where Sandoval was working. Herrera, who is also a domestic worker, knew how to enter the gated community without alerting Sandoval’s employers that they had visitors. By noon, everything was set, but Sandoval knew only that a taxi was coming to pick her up, not federal agents.

This was not the first-time Domésticas Unidas helped a domestic worker escape from her employers.

When a domestic worker is saved from an abusive or even dangerous family, Herrera and other domestic workers call it a *rescate* (rescue). Herrera had facilitated at least three rescues of domestic workers with the help of local police, but this one was different. “I felt she was scared and we had also lost contact with her,” Herrera said of Sandoval.

After Sandoval was rescued, the taxi driver drove her to a local homeless shelter where she lived for several weeks before moving to the house of another domestic.

Citing the Privacy Act, a spokesperson for ICE San Antonio said on an email that the agency would not provide any details about the rescue. “ICE will neither confirm or deny the existence of an investigation or operational activity,” the spokesperson said two days later in a separate email.

Sandoval is one of an unknown number of live-in domestic workers in the U.S. who, unlike other domestics, sleep in the home of their employers five to seven nights a week. Like other domestics, they sometimes suffer sexual harassment and abuse, wage theft and hazardous working conditions, according to the National Domestic Workers Alliance's media strategist, Marzena Zukowska. "For live-in domestic workers, these issues are even more pervasive," Zukowska said in an email.

The NDWA is a non-profit organization in the U.S. that advocates for the rights of 2 million nannies, housekeepers and home healthcare workers, many of whom are immigrant women and women of color. The NDWA, founded in 2007, has 60 plus affiliates like Domésticas Unidas across the country.

Nobody knows exactly how many live-in domestic workers are in the U.S. "Though we know that the population of live-in domestic workers, especially those who provide home care, is large and growing, there is no currently agreed-upon, accurate count of live-in domestic workers," Zukowska said. "This is due to the nature of domestic work -- many are working in private homes and in the shadows of our economy, so their work is not fully captured in Census data.

"Likewise, many domestic workers are also undocumented and not counted in these estimates, she said."

Live-in domestic workers are more reluctant than other domestics to exercise their rights because their place of residence is at stake, according to a 2012 report by the NDWA. When they are willing to take that risk, they run into other obstacles, like being isolated from friends and advocates. "There is no typical Human Resources department that they could turn to if they have issues with an employer," Zukowska said.

"Additionally, many are working below minimum wage, and are subject to unreasonable and uncompensated demands on their time, even in the middle of the night."

The legal system is of little help for live-in domestic workers. Employment laws enacted during the Jim Crow Era in the 1930's specifically exclude domestic workers. The Fair Labor Standards Act exempts employers of live-in domestic workers from overtime pay requirements and allows employers to count the value of food and housing provided to live-in domestics towards wages. In other words, employers can legally pay live-in workers less than the federal minimum wage of $7.25 per hour.

Additionally, the National Labor Relations Act excludes domestic workers and others from the right to form unions and bargain collectively.

The NDWA does not believe that these laws exclude domestic workers by accident. On the contrary, the NDWA says that race was a factor in making these exclusions.

"Domestic workers were for the most part black and not viewed as workers who deserved protection," Zukowska said. "In the North, they were often Irish immigrants, and in the West, mostly of Mexican descent."

Other federal laws indirectly exclude most domestic workers. Title VII, which prohibits discrimination based on race, color, religion, sex, or national origin, and the Americans with Disabilities Act, apply only to companies with 15 employees or more. This leaves unprotected virtually all live-in domestics.

To challenge these federal laws, the NDWA has lobbied for and promoted policy changes throughout the country. As a result, eight states have created bills of rights for domestic workers. In New York, for example, the Bill of Rights says that all domestic workers have the right to overtime pay and a day of rest. Other states that have similar

bills are Oregon, Illinois, California, Nevada, Connecticut, Massachusetts and Hawaii, but not Texas.

"The bills of rights have given more rights to more people, creating a floor of protections and a fairer and more sustainable way for thousands of care workers to make a living," Zukowska said. "The new laws provide a better baseline from which to bargain with potential employers.

"The campaigns themselves have helped sharpen the political skills and the strategic capacity of domestic workers, their organizations, and the domestic worker movement as a whole," she said.

In 1980, Reyna Montero arrived barefoot in San Antonio on a cold and rainy night. She emigrated from San Pedro Usula, the second largest city in Honduras, without any guarantees that she was going to reach the U.S. and find a job. "I did not even know how I was going to get here or where to take the bus," Montero said. "I did not know if the money I had was going to be enough."

In Honduras, Montero had survived gender violence. When Montero was barely an adult, she was raped while working as a live-in domestic worker. "I was 19-years-old and still a virgin," Montero said. "From that I had my first girl."

Montero first emigrated to Mexico City where she worked in a sewing shop for over a year. She had been able to get her hands on false documents that said she was a Mexican woman named Maria Magdalena. Her schedule was brutal, from 8 in the morning to midnight or worst. "I was working to send money to my mom and to save to continue the journey," said Montero, who left her mom in charge of her three kids.

Montero slept under a bridge the night she arrived at San Antonio, but the next day a good Samaritan helped her find a job as a live-in domestic worker. The job seemed

ideal because she would not be homeless anymore. Montero could also continue sending money to her mom and three kids in Honduras, where she started doing domestic work at the age of 14. “I used to watch how my mother would suffer taking care of us,” Montero said. “I always dreamt that when I grew up I was going to work so my mom did not have to.”

Still, Montero found out soon enough that the American dream she had heard people talk about on the streets of Honduras was not real for her. Montero’s employer was only paying her a fraction of what they had agreed to, well below the federal minimum wage, which was $3.10 at the time. For months, she lived and worked in the same house from 5 in the morning to 9 in the evening, sometimes without getting paid.

I will pay you next Monday, her employer would tell her often.

Montero was working so much that she started getting headaches. On one occasion, she looked in the medicine cabinet for something to ease the pain. Not knowing how to read English, Montero took two tiny pills, but she does not know what happened next.

“I only remember going to bed,” Montero said.

Montero woke up at 10 in the morning the next day. Her employers, a San Antonio couple, did not call an ambulance even though they told her she looked pretty much *dead* from what appeared to be two sleeping pills. “I woke up like I was coming from another world,” Montero said.

Once, Montero worked for two months without being paid. Another time she was paid $300 for an entire month even though her employers had agreed to pay her $325 per week. These instances became too common until one day Montero told the female

employer she was quitting. “I came to this country to support my family,” Montero said to her employer. “I did not come to work for free for anybody.”

Like it was yesterday, Montero, 63, described with details what happened next. “I had very long hair; it was abundant, and I would always tie it like this,” said Montero, grabbing her hair to simulate a ponytail. “When I felt the woman grabbed me by the hair from behind, I screamed.”

One of the adult daughters of the employer was also in the house. Instead of stopping her mom, she grabbed both of Montero’s hands and threw her face down on the floor. “I would yell at them to let me go; I had not done anything to them,” Montero said. “She would keep hitting me and hitting me, and with a ring she lacerated my head, and I started to bleed.

“When they saw my face full of blood, they let me go,” she said.

A battered Montero entered her own room and locked the door. She called 911 and stayed on the phone until the police arrived. They asked her if she had somewhere to go to, but she was alone.

Montero does not know if the employers were convicted of any crimes. At the time, it was more important for Montero that her employer pay for her hard work, so she could continue sending money to her family in Honduras.

After her first experience as a live-in domestic worker in the U.S., Montero worked and lived with another family for seven years. Although Montero was still earning a meager salary and working long hours, she was happier. Montero was never beaten-up again, she was always paid on time, and she did things that she had not done before. “I was happy because I flew for the first time,” Montero said about an airplane trip to Dallas with the family she was working for.

Almost four decades after she emigrated to Texas, Montero's hair is significantly shorter, and she wears a sling to keep her left arm close to her chest after she fractured it in an accident unrelated to her work. Despite the pain in her arm, she cleans a few houses per month, sometimes with her adult daughter, but she doesn't live in them anymore.

Throughout the years, Montero was able to bring all her kids, now adults, to Texas. Montero got married and later divorced after being a victim of domestic violence for many years. She also obtained her green card, which allows her to be and work legally in the U.S. as an *entra y sale* (enter and exit) domestic worker; in other words, a domestic that works in several homes but sleeps on her own. Montero had convinced herself not to be a live-in domestic worker ever again. "I had to dedicate to my kids the time that was lost," Montero said.

But not every live-in domestic worker is able to walk away from that life. Guadalupe Acosta, 53, who has been a live-in domestic worker since 2008, starts her day at 7 in the morning, preparing breakfast for the family she works for. Then she begins to clean the family's San Antonio home. This house and others she has worked in are not the type that a blue-collar family can afford. A "normal" house that Acosta cleans has six bedrooms, two studies, two living rooms, two dining rooms, and a big kitchen. Sometimes, she has time to rest in the afternoon. "If the baby sleeps, good, but if he does not, I have to keep an eye on him," Acosta said.

"We know when our day is going to start but we are never told when our day is going to end," she said.

Just the night before the interview, Acosta did not go to sleep until 1 in the morning because she was left in charge of the baby while his parents went out to have

dinner. They do not realize that the next day I have to wake up at 7 in the morning," Acosta said.

This job is one of the good ones, according to Acosta. In 2014, however, she was rescued by Herrera and other sisterhood members from a San Antonio home. The former employer had thrown Acosta's belongings out in the chilly rain. She owed Acosta one week worth of salary, but instead of paying accused her of stealing an expensive watch. "That is what they do," Acosta said. "They accuse the employee of stealing so they can fire her."

After Herrera and others arrived with the police, the female employer concocted another story, according to Acosta. The live-in domestic worker had now supposedly damaged a pair of pants worth hundreds of dollars. Despite the police presence, Acosta did not get paid.

In that home, Acosta almost never had time to sit down to have lunch or dinner. One time she prepared *chilaquiles*, a traditional Mexican dish, for herself, and this angered her boss.

Do you think I have not seen the hotel-like breakfasts you do for yourself?, the employer told Acosta.

Last year, Acosta had a similar experience, but in Houston, where her boss wanted to control what she could and could not eat. The female employer would look at Acosta with disapproval whenever she would sit down to eat, so she had to clean with a bag of chips in her hand. Like Montero, Acosta would also get headaches.

The constant scowls, and comments of disapproval made Acosta so uncomfortable that she once ran to the nearest supermarket to buy ready-to-eat chicken without her boss' knowledge. "I ate it desperately," Acosta said, starting to cry as she told

the story. “It is rare for a *patrona* (female boss) to offer food to the domestic workers or to ask them if they have eaten.

“They never worry about us,” she said.

Since Acosta is always on her feet, working, and because she does not get enough rest, she lost 15 pounds after being with the Houston family for three months. Previously, in New York, Acosta had lost more than 20 pounds after working for another family in 2008.

Acosta tries to shield her family in Mexico from the terrible things she endures in the U.S. For example, when her sons ask if she is eating enough, she does not give them straight answers. “When they see me, they notice I have lost weight,” Acosta said. “When they ask if I am eating, I tell them I eat.

“Obviously, that is not the truth,” she said.

Acosta hopes to retire in December after her youngest son graduates from college with a degree in engineering, but she jokes about coming back because there are not a lot of job opportunities waiting for her in Mexico.

“For women like me, past 40-years-old, finding a job (in Mexico) is hard,” Acosta said.

Acosta was not the only domestic worker to report inadequate nutrition. Sandoval, the domestic worker who was rescued with the help of federal agents, lacked not only time to eat, but food itself. On the day she arrived at the employers’ home, she noticed the food pantry and the fridge were locked. That night, the employers told her they were going out to eat by themselves, but they did not leave any food for her. She could not drink anything either other than tap water. That night Sandoval slept hungry, without having dinner.

On the next morning, the female employer had left fruit outside of the pantry. She instructed Sandoval to feed her kids before school; she did not say anything about what Sandoval could eat. Sandoval did not have a full breakfast because she was only able to eat from the kids' uneaten fruits. As days went by, she noticed something else. The employer would count the fruits, the slices of ham and cheese and the loaves of bread. "I almost had to hide while I ate," Sandoval said.

During the weekends, Sandoval did not have to cook. Her boss then would bring her a sushi bowl from a nearby supermarket. Sandoval says the female employer never asked her if she liked that type of food. "I do not like it, but I had to eat it," Sandoval said. "What else could I eat?"

Sandoval also reported losing weight, about 20 pounds. She is just now gaining back some of what she lost.

Like with the food, Sandoval's employers also locked away her visa and passport inside a big closet in the master bedroom. Thinking back, Sandoval believes this was done to keep her in line, following orders. "They did not want me to talk to the neighbors," Sandoval said.

"They did not want people to know how much they were paying me and how they treated me."

Although Sandoval was never physically or sexually abused, there was one occasion when she thought she was going to die. Sandoval had developed blisters in a leg. She described feeling like her skin was burning and she was in extreme pain. "I would cry at night and even more when one of those bubbles burst," Sandoval said.

Instead of taking Sandoval to a doctor or an emergency room, her employers injected her with something to ease her pain. Sandoval does not know what it was

exactly, but she was given five more vials to self-medicate whenever the pain would come back. After the last dose, Sandoval knew something was wrong.

"I already was weak and did not have strength for anything," Sandoval said. "I only wanted to rest and for nobody to talk to me."

She told her employers: "Take me home because I'm going to die, and I want to die with my family."

A subsequent visit to the doctor and lab analysis revealed that the medicine for the pain had affected Sandoval's health. The doctor recommended she drink plenty of water and get more sleep.

When Sandoval and her employers got home, Sandoval thought she finally was going to be able to rest, but they had other plans for her. The female employer ordered Sandoval to start cooking for the family. Sandoval responded saying she needed to rest like the doctor recommended.

Start cooking because I'm very hungry, the employer said.

You have to value what we did for you.

Adding insult to injury, the employers deducted Sandoval's health care expenses from her weekly payment.

However, not all live-in domestic workers have negative experiences like Sandoval and others. Yolanda Vera, 27, is a live-in domestic worker in a trendy neighborhood in Austin. She had a desk job in a Mexican-based manufacturing company, but she wanted to have new experiences. Following her cousin's footsteps, Vera paid $1,500 to an agency that only helps young women to find jobs as live-in domestic workers in the U.S.

Women first create a profile on the agency's platform, with personal information like where are they from, and other details like what tasks are they willing to do. Then, potential employers or families can see different profiles and choose the young female that fits best their needs. "It is like Facebook," Vera said.

After a Skype interview with the future employer, the agency facilitates the passport and visa paperwork. At this point, the women know how many hours they are going to work, how much are they going to be paid per hour, and the days they are going to be work free. When the women arrive to the employers' home, a coordinator of the agency receives them to make sure they find everything acceptable. The coordinator also connects them with nearby domestics.

Vera works 8-hour shifts from Monday to Saturday and has one work-free weekend per month. Sometimes she runs, bikes or goes out with friends to a café or to have dinner. "I have had a better experience that other domestics because I am young; therefore, I do not have kids to send money back to," Vera said.

Still, Vera's employers only pay her $4 per hour to take care of their kids.

"I understand it is not much," Vera said. "But for somebody as young as me, it is good."

Although they are not a new concept, some of these recruitment agencies, similar to the one Vera paid to, are not regulated properly by U.S. authorities, according to a 2017 report by the National Domestic Workers Alliance and the Institute for Policy Studies. Thirty-five per cent of trafficked domestic workers reported paying recruitment fees to come to the US, says the report.

The recruiters' "exorbitant" fees for obtaining jobs and visas can lead to debt and, consequently, indentured servitude, according to the report. "Because their stay in the US

is contingent on their employment, domestic workers on employment visas are often reluctant to seek help, as are those who come to work outside of legal channels."

The accounts presented by these women are clear cases of human trafficking, according to the director of the Human Trafficking Research Portfolio at the Institute of Domestic Violence and Sexual Assault, Melissa I.M. Torres.

IDVSA is a research institute at the University of Texas at Austin that collaborates with the Steve Hicks School of Social Work, the School of Law, the School of Nursing, and the Bureau of Business Research.

"Human trafficking is any exploitation, for either labor or commercial sex, by force, fraud or coercion," Torres said. She oversees the Statewide Human Trafficking Mapping Project for Texas, a research initiative launched in 2014 "to provide empirically-grounded data about the extent of human trafficking in Texas." The Project is funded through the Criminal Justice Division of the Office of the Governor.

There are more than 300,000 victims of human trafficking in Texas, nearly 234,000 of those were adult victims of labor trafficking, according to the Project's 2017 study. The same study found that traffickers exploit approximately $600 million per year from victims of labor trafficking in Texas.

Since 2012, domestic work has represented the largest sector of all labor trafficking cases reported to the National Human Trafficking Hotline. Texas is the second state with the most cases of human trafficking reported to the Hotline, second only to California. Like other states, these reported cases are growing every year.

The report of NDWA and IPS showed that 85 percent of domestic worker trafficking survivors said having pay withheld or being paid well below minimum wage;

81 percent have lived in abusive living conditions; and 80 percent have been tricked with false or otherwise deceptive contracts.

The same report concluded that 78 percent of domestic worker trafficking survivors have had employers threaten to report them for deportation if they complain; 77 percent report having their movements restricted or monitored by their employers; and 75 percent experience isolation from the outside world, with employers cutting off access to communication.

There are eleven indicators that show that a worker is a victim of forced labor, according to the International Labor Organization, a U.N. agency. Some of them are deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding wages, debt bondage, abusive working and living conditions, and excessive overtime. "The presence of a single indicator in a given situation may in some cases imply the existence of forced labour," according to ILO.

Similarly, indicators that an individual is a victim of human trafficking are denial of food, water, sleep, or medical care, and bruises in various stages of healing, according to the Department of Homeland Security. Other indicators are if the individual is fearful, timid, or submissive. Human trafficking is a "hidden crime" because victims rarely seek help due to language barriers, and because they fear their traffickers and law enforcement, according to the DHS' website.

The director of the NDWA, Ai-jen Poo, and the executive director of IPS, John Cavanagh, fear that domestic workers and other low-wage workers are even less likely to report their traffickers since Donald J. Trump won the 2016 presidential election.

“In the current climate, we anticipate that the labor rights protecting survivors will only deteriorate,” Poo and Cavanagh jointly wrote in the 2017 report that their organizations prepared. “Employers seeking to prey upon the most vulnerable among us will only be emboldened, leading to even more dangerous conditions for domestic workers and other workers in low-wage sectors.

“As police are increasingly embroiled in immigration enforcement, fewer community members will seek help and safety from law enforcement,” they wrote on the report.

The report recommended that the State Department continues ensuring that domestic workers with nonimmigrant visas enter the US with valid and fair employment contracts, and the establishment of avenues for workers to file complaints if there are workplace violations, abuse or trafficking.

The report also advocated for ending the involvement of state and local police in immigration enforcement and ensuring immigrant workers can assert their labor rights without fear of deportation.

These matters are some of the obstacles that domestic workers, but especially the ones who live-in, will continue to face unless certain laws are amended, and policies are revised.

Despite this, the NDWA continues working to protect the rights of millions of domestic workers. One major effort is in the Pacific Northwest.

“Currently, nannies, house cleaners, and care workers are organizing to pass a Seattle Domestic Workers Bill of Rights at the municipal level,” said Zukowska from NDWA.

"It is the first effort of its kind to raise workplace standards for thousands of domestic workers across the city," she said.

NDWA is also directing their energy to building power at the local, state, and federal level, according to Zukowska. "Our goals are not just to improve working conditions, but to support the lives and political power of immigrant women and women of color across the country."

On April 3, more than two months after being rescued, Sandoval said on a phone call that she was still looking for a job as a domestic worker. She sounded desperate and seemed to be open to the idea of being a live-in domestic worker once more.

Sandoval said she wanted to start sending money again to her family in Mexico, so they can continue building a house where she expects to retire. She was also waiting for federal authorities to return to her the U.S. visa and her Mexican passport that the former employers had taken from her.

"You are now free," Sandoval remembered one federal agent telling her the day she was rescued. But nobody can guarantee that she will be free if she starts living with and working for another wealthy San Antonio family.

If you or somebody you know is a victim of human trafficking, call the 24/7 National Human Trafficking Hotline at 1-888-373-7888 or text to 233733.

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Vita

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